

No. PD-1079-19
In the
Texas Court of Criminal Appeals
at Austin

FILED
COURT OF CRIMINAL APPEALS
9/14/2020
DEANA WILLIAMSON, CLERK

◆
No. 01-18-00317-CR
In the
First Court of Appeals
at Houston

◆
No. 1433542
in the 338th District Court
of Harris County, Texas

◆
WILBER ULISES MOLINA
Appellant
V.
THE STATE OF TEXAS
Appellee

◆
STATE'S MOTION FOR EXTENSION OF TIME WITHIN WHICH TO FILE A
REPLY TO APPELLANT'S MERITS BRIEF

◆
TO THE HONORABLE COURT OF CRIMINAL APPEALS:

THE STATE OF TEXAS, pursuant to **TEX. R. APP. P.** 10.1, 10.5(b) and
68.2(c), moves for an extension of time within which to file its reply to appellant's
brief on the merits. In support of its motion, the State submits the following:

1. Appellant was convicted for the offense of aggravated sexual assault and sentenced to 50 years confinement.
2. On August 29, 2019, the First Court of Appeals affirmed appellant's

conviction.

3. This Court granted appellant's PDR on May 6, 2020.
4. This Court filed appellant's merits brief on August 10, 2020.
5. This Court granted appellant three motions to extend time within which to file his merits brief.
6. This is the State's first motion for an extension of time within which to file its reply brief
7. The State's reply brief is due on September 9, 2020.
8. The State seeks an extension until October 9, 2020, to file its brief.
9. The following facts are relied upon to show good cause for the requested extension:

Undersigned counsel failed to timely file this extension on the original due date of my brief (two days ago) through oversight because, candidly, I neglected to consult my calendar this week. For the past several days, I have been overseeing my office's pursuit of two separate and unrelated mandamuses. As original proceedings, this task has been demanding and time consuming in terms of legal research, record creation, and frequent strategy discussions with many colleagues involved in the pursuit of this rare remedy. But for this distraction, and my failure to regularly review my calendar as I would under normal circumstances, I would have timely filed this extension two days ago.

Further, I did not complete my brief during the previous 30 days because, during that time, I completed and filed another direct appeal brief (Traelyn Smith: 01-19-00724-CR) and was otherwise occupied by my supervisory duties overseeing 12 appellate prosecutors and participating in numerous internal projects in my office.

WHEREFORE, the State prays that this Court will grant the requested extension.

Respectfully submitted,

/s/ Dan McCrory
DAN MCCRORY
Assistant District Attorney
Harris County, Texas
500 Jefferson, Ste 600
Houston, Texas 77002
Mccrory_daniel@dao.hctx.net
(713) 274-5826
TBC No. 13489950

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing instrument has been emailed to the following email address via TexFile:

Derek Deyon
Attorney at Law
[ddeyon@deyondlawgro
up.com](mailto:ddeyon@deyondlawgroup.com)

/s/ Dan McCrory
DAN MCCRORY
Assistant District Attorney
Harris County, Texas
500 Jefferson, Ste 600
Houston, Texas 77002
(713) 274-5826
TBC No. 13489950

Date: September 11, 2020

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Daniel Mccrory
Bar No. 13489950
mccrory_daniel@dao.hctx.net
Envelope ID: 46177140
Status as of 9/14/2020 8:30 AM CST

Associated Case Party: Wilber Molina

Name	BarNumber	Email	TimestampSubmitted	Status
Derek Deyon		ddeyon@deyonlawgroup.com	9/11/2020 5:25:37 PM	SENT